

Attachment I

IN THE BOARD OF SUPERVISORS
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION DETERMINING THE SCOPE AND NATURE
OF ESTABLISHED VESTED RIGHTS
FOR THE MINE KNOWN AS THE CAYUCOS PIT AND/OR
WHALE ROCK PIT (CA MINE ID#91-40-0010)

The following resolution is now offered and read:

WHEREAS, on or about March 23, 2013, Petitioners Negranti & Sons, a California corporation, and Mainini Management Company LLC, a California limited liability company filed a Petition for Writ of Mandate and Complaint for Declaratory Relief against the County of San Luis Obispo; and

WHEREAS, in response to that Petition, the parties agreed via a Stipulated Judgment that the County of San Luis Obispo would hold a hearing before the Board of Supervisors to determine the scope of vested rights of petitioners to conduct surface mining at the Whale Rock Pit (CA Mine ID#91-40-0010) located in Cayucos, California, and the Superior Court entered said Stipulated Judgment on January 3, 2014; and

WHEREAS, pursuant to the parties' Stipulated Judgment and consistent with the Surface Mining Reclamation Act (Public Resources Code § 2710, et seq.) and the California Code of Regulations (14 C.C.R. § 3950, et seq.), a public hearing was duly noticed and conducted and a determination and decision was made by the Board of Supervisors on June 17, 2014, on the nature and scope of vested rights of petitioners to conduct surface mining at the Whale Rock Pit; and

Attachment I

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written reports, protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said vested rights determination; and

WHEREAS, the Board of Supervisors has duly considered the evidence presented and finds that vested rights should be granted as set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth herein above are true, correct and valid.
2. That the Board of Supervisors makes all of the determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That this item is not subject to the California Environmental Quality Act pursuant to Public Resources Code section 21080 because it is not a "project" under the meaning of Public Resources Code section 21065.

Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

Chairperson of the Board of Supervisors

Attachment I

ATTEST:

Clerk of the Board of Supervisors

[SEAL]

APPROVED AS TO FORM AND LEGAL EFFECT:

RITA L. NEAL
County Counsel

By:

Deputy County Counsel

Dated: June 4, 2014

STATE OF CALIFORNIA,)
) ss
County of San Luis Obispo)

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 2014.

County Clerk and Ex-Officio Clerk of the
Board of Supervisors

(SEAL)

By:

Deputy Clerk

EXHIBIT A

VESTED RIGHTS DETERMINATION

1. Vested Rights associated with the ***Horizontal Limits of the Mining Area*** shall be limited to the area described as “current use” and “future potential” in Figure 4 - Reclamation Plan Map and Figure 9 – Cross Sections. No mining outside of the area identified in Figure 4 – Reclamation Plan Map and Figure 9 – Cross Sections shall be recognized as a vested mining right.
2. Vested Rights associated with the ***Vertical Limits of the Mining Area*** shall be limited to the unconsolidated material (i.e. Red Rock) within approximately 30 feet of the original ground surface. No mining of consolidated material (hard rock) shall be recognized as a vested mining right.
3. Vested Rights associated with the ***Maximum Annual Production*** shall be limited to 8,000 cubic yards per year.
4. Vested Rights associated with the ***Type of Mining*** shall be limited to “dozing into stockpiles to be spread upon reclamation” and “pile to one side and dozed to grade later”. No Blasting, Crushing, Processing / Sorting, Importation of fill for reclamation (stockpiling), or Recycling shall be recognized as a vested mining right.